

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: DIET DRUGS (PHENTERMINE/
FENFLURAMINE/DEXFENFLURAMINE)
PRODUCTS LIABILITY LITIGATION

MDL NO. 1203

THIS DOCUMENT RELATES TO:

SHEILA BROWN, et al.

v.

AMERICAN HOME PRODUCTS CORP.

NO. 99-20593

PRETRIAL ORDER NO.

9294

AND NOW, this 17th day of June, 2014, upon consideration of the Joint Petition for an Award of Attorneys' Fees and Expense Reimbursements Relating to Common Benefit Work Performed from January 1, 2013 through December 31, 2013 and for the reasons set forth in the accompanying Memorandum, it is hereby ORDERED that:

1. As used herein, the "2013 Joint Fee Applicants" means: (a) Cummings, Cummings & Dudenhefer and (b) Levin, Fishbein, Sedran & Berman.

2. The court hereby approves the reimbursement of \$58,336.37 in litigation expenses incurred by the 2013 Joint Fee Applicants, including amounts previously approved by the court or advanced pursuant to order of the court, to be paid, reimbursed and/or allocated as follows:

- a. Prior expense reimbursements in the amount of \$24,730.87 shall be attributed to the MDL 1203 Fee and Cost Account as having been properly and finally allocated to that Account for payment;
- b. Within twenty days from the date of this Order, the AHP Settlement Trust ("Trust") shall transfer the amount of \$24,730.86 to the Escrow Agent for the MDL 1203 Fee and Cost Account to reimburse that account for expense reimbursements previously paid from that Account which should ultimately be paid by the Settlement Fund under Sections III.B.2, III.C.3 and VIII.E.1 of the Settlement Agreement; and
- c. Within twenty days from the date of this Order, the Trust shall pay the following amounts from the Settlement Fund and the Escrow Agent for the MDL 1203 Fee and Cost Account shall pay the following amounts from the MDL 1203 Fee and Cost Account to the following 2013 Joint Fee Applicants to reimburse them for previously unreimbursed litigation expenses incurred and paid by them:

Joint Fee Applicant	Amount to be Paid by the Trust	Amount to be Paid by the MDL 1203 Fee and Cost Account
Levin, Fishbein, Sedran & Berman	\$3,895.04	\$3,895.03
Cummings, Cummings & Dudenhefer	\$ 542.29	\$ 542.28

3. The court hereby authorizes the termination of the consolidated Fund A Escrow Account and directs PNC Bank as Escrow Agent for the consolidated Fund A Escrow Account to pay to the Trust the net amount remaining in the consolidated Fund A Escrow Account with such net amount to be included in the Trust's

payment of such fees as it is authorized herein to distribute to the 2013 Joint Fee Applicants.

4. In addition to the amounts previously awarded in Pretrial Order Nos. 7763A, 8516, 8646, 8869, and 9102, the court hereby awards the 2013 Joint Class Fee Applicants an attorneys' fee in the aggregate amount of \$1,026,425 to compensate the 2013 Joint Class Fee Applicants for work performed by them during the period from January 1, 2013 to December 31, 2013. To the extent not funded by the balance transferred from the Fund A Escrow Account to the Trust pursuant to paragraph 3 of this Order, this fee award is to be funded by Wyeth and paid by the Trust in accordance with the terms of the Stipulation Between Wyeth and Class Counsel with Regard to the Funding of Future Awards of Class-Related Fees previously approved by this court.

5. The aggregate award of fees as set forth in the preceding paragraph of this Order shall be allocated among and distributed and paid to the following law firms/attorneys in the following amounts:

2013 Joint Class Fee Applicant	Allocable Percentage	Payment Amount
Cummings, Cummings & Dudenhefer	7.96%	\$ 81,725
Levin, Fishbein, Sedran & Berman	92.04%	\$944,700

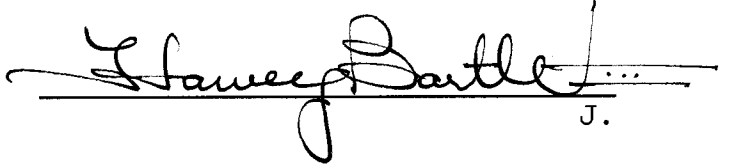
6. No earlier than twenty days after the date of this Order and as soon thereafter as is commercially reasonable, the Trust shall disburse the payments set forth in paragraph 5 of this Order. The Trust shall make such payments by check and shall deliver such checks to the payees by overnight courier in a manner that generates a written acknowledgment of receipt by the payees.

7. In addition to the amounts previously awarded in Pretrial Order Nos. 7763A, 8516, 8646, 8699, and 9102, the court hereby awards Levin, Fishbein, Sedran & Berman an attorneys' fee in the aggregate amount of \$944,700 to be paid from funds on deposit in the MDL 1203 Fee and Cost Account to compensate such attorneys for services of benefit to the plaintiffs in MDL 1203 and the coordinated state court litigation performed by them during the period from January 1, 2013 through December 31, 2013.

8. No earlier than twenty days from the date of this Order and as soon thereafter as is reasonably practicable, Gregory P. Miller, Esquire, as Escrow Agent for the MDL 1203 Fee and Cost Account, shall disburse from said Account the payment set forth in paragraph 7 of this Order. Mr. Miller shall make such payment by check and shall deliver such check to the payee by overnight courier in a manner that generates a written acknowledgment of receipt by the payee. In order to make this payment, Mr. Miller may transfer funds from the MDL 1203 Fee and

Cost Account to a disbursement account at an appropriate financial institution.

BY THE COURT:


J.